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**To:** Microsoft ATR  
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**Subject:** Microsoft Settlement

To Whom It May Concern:

The US Department of Justice's proposed settlement in the Microsoft anti-trust case does not adequately address the illegal practices which Microsoft has been found guilty of. It does not punish past violations. It does little to prevent reoccurrence of Microsoft's past patterns of illegal behavior. It does not provide for effective enforcement of decisions preventing future violations. It excludes not-for-profit organizations from some of its remedies. And it does not provide any effective encouragement of competition in the markets for operating system and applications software. I am therefore opposed to the agreement as it now stands and believe that an effective remedy would require additional elements, as described below.

- (1) Any solution should be available to both for-profit and not-for-profit organizations or groups. For example, SAMBA is a piece of software that is widely used to share files between Microsoft Windows and other operating systems, such as UNIX. Its existence is completely dependent on knowledge of the Microsoft's APIs and protocols. But it has not been developed by a for-profit business -- it is freely available to anyone using the Internet. If the final solution in this case applies only to for-profit businesses, SAMBA's continued existence would be in jeopardy. The same situation applies to most other not-for-profit software.
- (2) Any solution should apply not just to illegal behavior with regard to existing products and categories of products, but to future ones as well. For example, an effective remedy should prevent Microsoft from extending its past illegal behavior to new products such as its ".NET" proposal for Internet services.
- (3) All APIs, file formats, and communication mechanisms (for example, network protocols) should be made public in ways and times that allow other companies or not-for-profit groups to effectively compete.
- (4) The information made available in (3) above must include information about authorization and authentication APIs and protocols. Any Microsoft product involving the Internet will require outside programs to identify themselves as valid users

of the system. Those programs will not be able to do this if they do not have access to the appropriate security APIs. (Since this disclosure requirement refers to the APIs and protocols, not their implementations, it preserves the ability to compete without sacrificing security requirements.)

- (5) Competitors' use of published APIs, file formats, communication protocols must not be restricted by patents, copyrights, trade secrets, etc.
- (6) Any solution should allow effective enforcement in a timely manner. In particular, it will be completely ineffective if disagreements between Microsoft and the proposed "Technical Committee" must be resolved by court cases similar to this one. Microsoft's illegal behavior will not be prevented by court cases that last for years and are only resolved after the competitors involved have been marginalized or driven out of business.

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